

### **REMARKS**

Claims 1-13, 16 and 19 are pending in this application. By this Amendment, claims 1, 2, 6, and 16 are amended and claims 14 and 17 are canceled, without prejudice to or disclaimer of the subject matter thereof. No new matter is added.

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution, including placing the subject matter of claim 14 into independent claim 1; (c) satisfy a requirement of form asserted in the previous Office Action by amending claim 16 as suggested; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection and during the August 15 personal interview. Entry of the amendments is thus respectfully requested.

Applicants acknowledge the indication that claims 16-17 and 19 are allowed. Claim 16 is amended for further clarity to address the Examiner's objections. Claim 16 is concise and definite. Accordingly, claims 16 and 19 should remain allowed.

The courtesies extended to Applicants' representative by Examiner Rodriguez at the interview held August 15, 2006, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Office Action rejects claims 1-4, 11, 13 and 14 under 35 U.S.C. §103(a) over U.S. Patent No. 6,738,205 to Moran et al. (Moran) in view of U.S. Patent No. 6,816,330 to Ikeda et al. (Ikeda). This rejection is respectfully traversed.

Independent claim 1 is amended to incorporate features of canceled claim 14. Claim 1 now recites, *inter alia*, a magnetic recording medium comprising a plurality of servo pattern unit parts and a plurality of servo gap filling parts patterned to fill gaps between the servo pattern unit parts, where the servo pattern unit parts and the gap filling parts consist of projections of the magnetic layer and are magnetized in opposite polarities in a direction vertical to a surface. That is, projections magnetized in opposite polarities exist together. Claim 2 is amended for consistency with amended claim 1.

As discussed during the personal interview, Moran fails to teach or suggest these features. Moran teaches a pattern regarding a magnetic recording medium in Fig. 8. However, this pattern is a reference pattern used for recording a servo pattern and is not a servo pattern. Also, servo timing information and the position information of the pattern are used in a set to define the radial position of the head (col. 7, lines 61-63, col. 9, lines 3-10, and col. 9, lines 27-32). Therefore, even if the reference pattern is considered a servo pattern, it corresponds to servo pattern unit parts. There are no gap filling parts as recited in claim 1. Moreover, all timing information is magnetized in the same direction.

Ikeda fails to overcome the deficiencies of Moran with respect to independent claim 1. Ikeda teaches a technology to form a servo signal in a pattern of projections and recesses (col. 2, lines 35-40). However, Ikeda shows photomasks in Figs. 2a-2e. Photomasks have no relation with forming of a servo signal in a pattern of projections and recesses. Moreover, Ikeda also fails to teach or suggest servo pattern unit parts and servo pattern gap filling parts formed as projections and magnetized in opposite polarities in a direction vertical to a surface as recited in claim 1.

Accordingly, independent claim 1 and claims dependent therefrom distinguish over Moran and Ikeda. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 5 and 15 under 35 U.S.C. §103(a) over Moran and Ikeda, further in view of U.S. Patent No. 6,852,431 to Fukutani et al. (Fukutani). This rejection is respectfully traversed.

Fukutani fails to overcome the deficiencies of Moran and Ikeda with respect to independent claim 1. Accordingly, claims 5 and 15 are allowable for their dependence on allowable base claim 1 and for the additional features recited therein. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 6-9 under 35 U.S.C. §103(a) over Moran and Ikeda, further in view of U.S. Patent No. 6,466,387 to Ogasawara et al. (Ogasawara) and rejects claim 10 under 35 U.S.C. §103(a) over Moran and Ikeda, further in view of Fukutani and Ogasawara. These rejections are respectfully traversed.

Ogasawara and Fukutani fail to overcome the deficiencies of Moran and Ikeda with respect to independent claim 1. That is, Ogasawara and Fukutani also fail to teach or suggest providing the servo unit parts and gap filling parts as projections magnetized in opposite polarities as claimed.

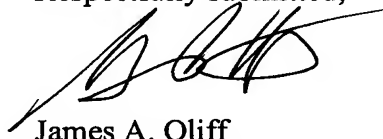
Furthermore, dependent claims 6-10 recite the relation among the ratio of the areas of the recording elements in the data area, the ratio of the areas of the servo pattern unit parts in the servo area, and the ratio of the total areas of the servo pattern unit parts and the servo pattern gap filling parts in the servo area. This recited relation is not a relation between the area of the servo pattern gap filling parts and the area of the recording elements. Therefore, even if Moran and Ogasawara are combined as alleged, the features of claims 6-10 would not be obtained.

Accordingly, claims 6-10 are allowable for their dependence on allowable base claim 1 and for the additional features recited therein. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: September 5, 2006

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